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Advancement of women: advancement of women

Belgium and Netherlands: draft resolution

Intensification of efforts to eliminate all forms of violence against women

The General Assembly,

Recalling its resolutions 61/143 of 19 December 2006 and 62/133 of 18 December 2007, and all its previous resolutions on the elimination of violence against women,

Welcoming Security Council resolutions 1325 (2000) of 31 October 2000 and 1820 (2008) of 19 June 2008 on women and peace and security,

Reaffirming the obligation of all States to promote and protect all human rights and fundamental freedoms, and reaffirming also that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Convention on the Elimination of All Forms of Discrimination against Women[1] and other international human rights instruments, and that its elimination is an integral part of efforts towards the elimination of all forms of violence against women,

Reaffirming also the Declaration on the Elimination of Violence against Women,[2] the Beijing Declaration and Platform for Action,[3] the outcome of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century",[4] and the declaration adopted at the forty-ninth session of the Commission on the Status of Women,[5]

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[1] United Nations, *Treaty Series*, vol. 1249, No. 20378.

[2] See resolution 48/104.

[3] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[4] Resolution S-23/2, annex, and resolution S-23/3, annex.

[5] See *Official Records of the Economic and Social Council, 2005, Supplement No. 7* and corrigendum (E/2005/27 and Corr.1), chap. I, sect. A; see also Economic and Social Council decision 2005/232.

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Reaffirming further the international commitments in the field of social development and to gender equality and the advancement of women made at the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as those made in the United Nations Millennium Declaration[6] and at the 2005 World Summit, and noting the attention paid to the elimination of all forms of violence against indigenous women in the United Nations Declaration on the Rights of Indigenous Peoples adopted by the General Assembly in its resolution 61/295 of 13 September 2007,

Recalling the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court,[7] as well as the recognition by the ad hoc international criminal tribunals that rape and other forms of sexual violence can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide,

Recognizing that violence against women is rooted in historically unequal power relations between men and women and that all forms of violence against women seriously violate and impair or nullify the enjoyment by women of all human rights and fundamental freedoms and constitute a major impediment to the ability of women to make use of their capabilities,

Deeply concerned about the pervasiveness of violence against women and girls in all its different forms and manifestations worldwide, and reiterating the need to intensify efforts to prevent and eliminate all forms of violence against women and girls throughout the world,

Expressing its appreciation for the high number of activities undertaken by States to eliminate all forms of violence against women, such as by enacting or amending legislation relating to acts of violence against women and adopting comprehensive national action plans to combat such violence,

Recognizing the important role of civil society in the efforts to eliminate all forms of violence against women,

1. *Stresses* that "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;

2. *Recognizes* that violence against women and girls persists in every country in the world as a pervasive violation of the enjoyment of human rights and a major impediment to achieving gender equality, development, peace and the internationally agreed development goals, in particular the Millennium Development Goals;

3. *Expresses* concern about the continued level of impunity for acts of violence against women worldwide;

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[6] See resolution 55/2.

[7] United Nations, *Treaty Series*, vol. 2187, No. 38544.

4. *Welcomes* the report of the Secretary-General on the intensification of efforts to eliminate all forms of violence against women[8] and the report of the Secretary-General on the elimination of rape and other forms of sexual violence in all their manifestations, including in conflict and related situations;[9]

5. *Welcomes also* the efforts and important contributions at the local, national, regional and international levels to eliminate all forms of violence against women, including the work done by the Committee on the Elimination of Discrimination against Women and the Special Rapporteur on violence against women, its causes and consequences, in particular the report submitted by the Special Rapporteur to the Human Rights Council in 2008;[10]

6. *Welcomes further* the launch of the Secretary-General's campaign to end violence against women, "UNiTE to End Violence against Women", and stresses the need to ensure that concrete follow-up activities will be undertaken by the United Nations system to intensify action to end violence against women, with close consultation on existing system-wide activities on violence against women, and requests the Secretary-General to identify, announce and report on the expected results of his campaign;

7. *Strongly condemns* all acts of violence against women and girls, whether these acts are perpetrated by the State, by private persons or by non-State actors, and calls for the elimination of all forms of gender-based violence in the family, within affective relationships, within the general community and where perpetrated or condoned by the State;

8. *Stresses* that it is important that States strongly condemn all forms of violence against women and refrain from invoking any custom, tradition or religious consideration to avoid their obligations with respect to its elimination as set out in the Declaration on the Elimination of Violence against Women;[2]

9. *Stresses also* that States have the obligation to promote and protect all human rights and fundamental freedoms of women and girls and must exercise due diligence to prevent, investigate, prosecute and punish the perpetrators of violence against women and girls and to provide protection to the victims, and that failure to do so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms;

10. *Urges* States to end impunity for violence against women, by prosecuting and punishing all perpetrators, by ensuring that women have equal protection of the law and equal access to justice and by holding up to public scrutiny and eliminating those attitudes that foster, justify or tolerate violence;

11. *Stresses* the need for the exclusion of crimes involving sexual violence from amnesty provisions in the context of conflict resolution processes;

12. *Stresses also* that States should take measures to ensure that all officials responsible for implementing policies and programmes aimed at preventing violence against women, protecting and assisting the victims and investigating and punishing violence against women, receive proper training to sensitize them to the needs of

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[8] A/63/214.

[9] A/63/216.

[10] A/HRC/7/6.

women, in particular women who have been subject to violence, so that women are not re-victimized when seeking justice and redress;

13. *Stresses further* that States should take all possible measures to empower women and inform them of their rights in seeking redress through mechanisms of justice, inform everyone of women's rights and of the existing penalties for violating those rights, and engage men and boys as well as the family as agents of change in preventing and condemning violence against women;

14. *Urges* States, in their continuing efforts to eliminate all forms of violence against women, to adopt a comprehensive and sustained approach aimed at ending impunity and a culture of tolerance towards violence against women, by using best practices in the field of legislation, prevention, law enforcement and victim protection, assistance and rehabilitation, such as:

(a) Establishing, in partnership with all relevant stakeholders, a comprehensive integrated national plan dedicated to combating violence against women in all it aspects, which includes data collection and analysis, prevention and protection measures and national information campaigns using resources to eliminate in the media gender stereotypes that lead to violence against women and girls;

(b) Reviewing and, where appropriate, revising, amending or abolishing all laws, regulations, policies, practices and customs that discriminate against women or have a discriminatory impact on women, and ensuring that provisions of multiple legal systems, where they exist, comply with international human rights obligations, commitments and principles, including the principle of non-discrimination;

(c) Evaluating and assessing the impact of current legislation, rules and procedures regarding violence against women, including the reasons for low reporting, and, where necessary, reinforcing criminal law and procedure relating to all forms of violence against women;

(d) Ensuring that there is sufficient knowledge, awareness and coordination in the legal system and, to that end, appointing a focal point in the legal system for cases of violence against women;

(e) Ensuring the systematic collection and analysis of data to monitor all forms of violence against women, while ensuring and maintaining the privacy and confidentiality of victims, including with the involvement of national statistical offices and, where appropriate, in partnership with other actors;

(f) Establishing appropriate national mechanisms for monitoring and evaluating implementation of measures taken to eliminate violence against women and girls, including through the use of national indicators;

(g) Providing adequate financial support for the implementation of national action plans to end violence against women and other relevant activities;

(h) Allocating adequate resources to promote the empowerment of women and gender equality and to prevent and redress all forms and manifestations of violence against women;

(i) Treating all forms of violence against women and girls as a criminal offence, punishable by law, and ensuring penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women

who are subjected to violence and imposing penalties commensurate with the severity of the crime;

(j) Ensuring that perpetrators may be prosecuted by the public prosecutor independently of the victim's consent;

(k) Ensuring that effective legal assistance is available to all female victims of violence so that they can make informed decisions regarding, inter alia, legal proceedings and issues related to family law, and also ensuring that victims have access to just and effective remedies for the harm that they have suffered;

(l) Ensuring that all relevant officials coordinate effectively to prevent, investigate, prosecute and punish all forms of violence against women, and provide protection and support to victims;

(m) Developing or improving and disseminating specialized training programmes, including checklists, risk assessment tools and good practice guidelines on how to assist victims and how to deal with cases of violence against women for police officers, the judiciary, health workers, law enforcement personnel and other relevant public authorities;

(n) Strengthening national health and social infrastructure to reinforce measures to promote women's equal access to public health and address the health consequences of violence against women, including by providing support to victims;

(o) Establishing or supporting integrated centres in which shelter, legal, health, psychological, counselling and other services are provided to victims of all forms of violence against women in order to make remedies better accessible and to facilitate the physical, psychological and social recovery of victims, and ensuring that victims have access to such centres;

(p) Ensuring adequate and comprehensive rehabilitation and reintegration of victims of violence into society;

(q) Ensuring that prisons and probation services provide appropriate rehabilitation programmes for perpetrators, as a preventive tool to avoid recidivism;

(r) Supporting activities by civil society to end violence against women;

15. *Stresses* the important role of the International Criminal Court and the ad hoc international criminal tribunals in ending impunity through ensuring accountability and punishing perpetrators of violence against women, and urges States to ratify or accede to the Rome Statute,[7] which entered into force on 1 July 2002;

16. *Welcomes* the steps taken by several United Nations bodies to discuss, within their respective mandates, the question of violence of women in all its forms and manifestations, and encourages all relevant bodies to continue to address this issue in their future efforts and work programmes;

17. *Calls upon* the international community, including the United Nations system and, as appropriate, regional and subregional organizations, to support national efforts to promote the empowerment of women and gender equality in order to enhance national efforts to eliminate violence against women and girls, including, upon request, in the development and implementation of national action plans on the elimination of violence against women and girls, through, inter alia, and taking into

account, national priorities, official development assistance and other appropriate assistance, such as facilitating the sharing of guidelines, methodologies and best practices;

18. *Reiterates* its request to the Inter-Agency Network on Women and Gender Equality to consider ways and means to enhance the effectiveness of the United Nations Trust Fund in Support of Actions to Eliminate Violence against Women as a system-wide funding mechanism for preventing and redressing all forms of violence against women and girls;

19. *Calls upon* all United Nations bodies, entities, funds and programmes and the specialized agencies and invites the Bretton Woods institutions to intensify their efforts at all levels to eliminate all forms of violence against women and girls and to better coordinate their work, inter alia through the Task Force on Violence against Women of the Inter-Agency Network on Women and Gender Equality;

20. *Requests* the Secretary-General to include in his annual report to be submitted to the General Assembly at its sixty-fourth session:

(a) Information provided by States on their follow-up activities to implement the present resolution;

(b) Information provided by the United Nations bodies, funds and programmes and the specialized agencies on their follow-up activities to implement General Assembly resolutions 61/143 and 62/133;

21. *Also requests* the Secretary-General to present an oral report to the Commission on the Status of Women at its fifty-third session with information provided by the United Nations bodies, funds and programmes and the specialized agencies on recent follow-up activities to implement resolution 61/143 and resolution 62/133, including on the progress made on enhancing the effectiveness, as a United Nations system-wide mechanism, of the United Nations Trust Fund in Support of Actions to Eliminate Violence against Women, and urges United Nations bodies, entities, funds and programmes and the specialized agencies to contribute promptly to that report;

22. *Decides* to continue the consideration of this question at its sixty-fourth session under the item on advancement of women.